

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

IN RE:	)	3:09-CV-06	3:09-CV-09
	)	3:09-CV-14	3:09-CV-48
	)	3:09-CV-54	3:09-CV-64
	)	3:09-CV-114	3:09-CV-491
	)	3:09-CV-495	3:09-CV-496
	)	3:09-CV-497	3:09-CV-504
TENNESSEE VALLEY AUTHORITY	)	3:09-CV-511	3:09-CV-517
ASH SPILL CASES	)	3:09-CV-528	3:09-CV-529
	)	3:09-CV-534	3:09-CV-550
	)	3:09-CV-551	3:09-CV-552
	)	3:09-CV-553	3:09-CV-554
	)	3:09-CV-555	3:09-CV-563
	)	3:09-CV-564	3:09-CV-565
	)	3:09-CV-566	3:09-CV-568
	)	3:09-CV-569	3:09-CV-570
	)	3:09-CV-571	3:09-CV-572
	)	3:09-CV-576	3:09-CV-577
	)	3:09-CV-578	3:09-CV-579
	)	3:09-CV-580	3:09-CV-581
	)	3:09-CV-582	3:09-CV-583
	)	3:09-CV-584	3:09-CV-589
	)	3:09-CV-590	3:09-CV-591
	)	3:09-CV-592	3:09-CV-593
	)	3:09-CV-594	3:09-CV-595
	)	3:09-CV-596	3:09-CV-597
	)	3:09-CV-598	3:09-CV-602
	)	3:09-CV-603	3:09-CV-604
	)	3:09-CV-605	3:10-CV-189
	)	3:10-CV-190	3:10-CV-191
)		
	)	(VARLAN/GUYTON)	

MEMORANDUM AND ORDER

These related but not consolidated actions are before the Court pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the referral of the Honorable Thomas A. Varlan, United States District Judge, for disposition of matters pertaining to discovery and the issue of

consolidation, [see Doc. 163 in 3:09-CV-09 referring Motion to Consolidate Cases, Doc. 133].

The Court previously scheduled a discovery status conference in the fifty-one cases captioned above that were filed after June 2009. This conference is set to take place July 13, 2010, at 2:00 p.m. Following the District Court's referral of the consolidation issue, the Court has determined that a hearing is needed in all of the above-captioned cases. After conferring with counsel for the parties, the Court has determined that the best date and time for such a hearing is July 13, 2010, in part because it was already set-aside for the discovery conference in this matter. Accordingly, the discovery conference scheduled in the later-filed actions will be converted to a hearing in all of the above-captioned cases to take place July 13, 2010.

At the hearing on July 13, 2010, the Court will address the following:

1. The Motion to Consolidate Cases.¹ All counsel should be prepared to represent their positions on the issue of consolidation to the Court at the hearing, as the Court's decision following the hearing may bind the above-captioned cases or any future cases. However, the Court is especially interested in whether Mays, 3:09-CV-06, or any other case seeking class certification, should be consolidated with Blanchard, 3:09-CV-09, Giltane, 3:09-CV-14, and Long 3:09-CV-114, the cases in which class certification is also sought. Though the Motion to Consolidate has been fully-briefed, the parties in any of the above-captioned cases may file supplemental briefs stating their positions on or before **June 28, 2010**.

¹See, e.g., Doc. 33 in 3:09-CV-309. The motion has been filed in Blanchard, 3:09-CV-09, Giltane, 3:09-CV-14, and Long 3:09-CV-114.

2. The Motion for an Order Coordinating Deposition Discovery of TVA Employees.²

Briefing on this motion, shall be completed in the standard time allotted under Local Rule 7.1 and the Federal Rules of Civil Procedure. And,

3. Any outstanding discovery disputes. The limited, briefing on any disputes shall be completed by **July 9, 2010**, as previously directed by the Court, [see Doc. 5 at 6 in 3:09-CV-491].

Because the above topics expand upon the topics originally set to be addressed at the discovery conference, the hearing will be **RESET** to begin at **1:00 p.m. on July 13, 2010**, rather than 2:00 p.m.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge

²See, e.g., Doc. 84 in 3:09-CV-06. The motion has been filed in all of the above-captioned cases.